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SPEECH

OF

HON. JOHN McQUEEN. OF S. CAROLINA,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES. THURSDAY, JUNE 3, 1850.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1850.

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ADMISSION OF CALIFORNIA.

The House being in Committee of the Whole on the state of the Union, and resuming the consideration of the California question, the President's Message in relation to that subject being before the Committee—

Mr. McQUEEN said:

Mr. CHAIRMAN: I think it more than likely that nothing I may submit will change the views of members of this body, or stay the aggression which, for some time, I have too plainly seen rapidly advancing from the northern portion of this Confederacy upon that part of it from whence I come; yet I feel it my duty to employ one hour, the first I have attempted to consume in this House, or in any other legislative body, in portraying some of the most prominent facts and indications which threaten not only the ruin and degradation of the South, but, in my judgment, the downfall at no very distant day of this once happy Confederacy. That we have arrived at a period, when it becomes every honest man to reflect, and gravely reflect, upon the true condition of the country, none can doubt; and to view that condition properly, the various causes which have produced it should be most carefully examined.

It is useless to disguise the fact, that a system of aggression, regular and unabating, is going on against the South; which if persisted in by the North, and submitted to by the South, must end in nothing less than our utter degradation. Sir, I do not speak without a meaning, when I say our utter degradation and ruin: nor can any artifice however ingenious, or any device however cunningly shaped, so cover up the truth as to hide it from the most ordinary capacity.

What, then, is the great and moving cause which has brought us to this unhappy and dangerous condition? In my judgment it proceeds from more causes than one. It proceeds from a misconception or misconstruction of the true principles upon which this Confederacy was entered into by our ancestors, and a sickly, fanatical sentiment, entertained now too generally by the inhabitants of what they please to call the free States, in relation to an institution of which they really know but little, and with which they have no more right to interfere, than they have to dictate to the inhabitants of the southern States, in what churches and at what altars they shall worship that God who gave them being. Sir, if this Government were a union of undefined powers, concentrated in one common head here, the rights which the North now claim in relation to slavery might, with some degree of plausibility, be asserted. And tainted as they are by an education founded in falsehood, slander, and misrepresenta-

tion, there would be some apology for the claim. But, fortunately for us, the Government never was constituted, or intended to be, one grand consolidated engine of powers, that might to-day be wielded by an unrestrained majority to the destruction of any one section of the Confederacy, while to-morrow, that section getting the ascendancy might, in turn, convert it into an engine of revengeful destruction, until its devastating powers should annihilate the whole. No, sir; no. The framers of our Constitution were too recently relieved from a struggle in which the question of equal rights and just powers were deeply involved, to allow them to have forgotten the rights of the several colonies, who in one common cause had waged a war of seven years against oppressions. Each colony was too jealous of its own sovereignty ever to have merged it in one common sovereignty, which, by a bare plurality of numbers, might be perverted to any purpose that fanaticism and madness might suggest.

When the framers of the Constitution came together to adopt a plan of government for their common defence, it did not enter into the mind of any one that they were other than delegates from thirteen independent sovereignties—independent of each other and independent of the world. It never entered their brain that they were authorized to transfer that high and exclusive sovereignty inherent in the people of each State, to any power on earth, to be wielded by a mere majority against one-half of the States, even to their destruction. Nor would those who sent them ever have recognized their acts, had they attempted to do so. We see the prudent jealousy manifested in the express reservation of all powers not expressly granted to the general agency. Who for a moment can suppose that Rhode Island would ever have consented to commit her fate to the hands of New York and Massachusetts, upon the monstrous principle that her internal affairs were to be regulated by an unrestrained majority? She did refuse for two years to give her sanction, as it was; and I venture the assertion that no three States in the Union ever would have ratified the Constitution, had the northern sentiment of the present day even been suspected, by which the right of legislation is here claimed from the establishment of a flower garden to the degradation and destruction of one-half the States. Had those who formed the Constitution returned to those who sent them, and said, We have entered into a compact by which for your general welfare and happiness we have mingled your sovereignty with that of the other States, to be regu-

lated by the opinion of a majority of all the people of the States, unrestrained by any other check than their opinion and will,—they would have been burned in effigy sooner than received to the bosom of their people. Their names would have been consigned to the scorn and indignation of all, rather than perpetuated in history as a band of sages who had erected a beacon to guide the civilized world in the way of freedom and the highest enjoyment of human happiness. But, sir, it would be a libel upon their wisdom, their sagacity, and patriotism, to give such construction to their acts. They never contemplated the present state of things under their Constitution. They never supposed that a sickly fanaticism would profess to move under its letter or spirit, until agrarianism and desolation shall pervade the land.

It is well known that it is to the North we are mainly indebted for that unlimited construction of the Constitution of which I have spoken. She, from her very nature and climate, is denied the production of many of the staples necessary for the food and raiment of the human family, and consequently must live upon the products of other places; her inhabitants must live by their genius and wits, rather than the first service allotted to man by his Creator. This necessity early established in their judgment the right to tax the agriculture of the South with tribute to their mechanic pursuits; and, as a matter of course, construe the compact of Government to answer that purpose. This principle established, the door has been thrown open to any other heresy that may have its time until, under the broad ægis of a general welfare constitution, nothing that a majority, however mad, may design, will not be accomplished.

But I have not time to dwell longer on this branch of my subject, and will come now to what I consider the immediate cause of the serious difficulties in which we find ourselves. And no one need be told it is the actual war, (though not yet of the sword,) carried on by one-half of the States of this Confederacy against the other, emanating from a sickly fanaticism among those who, if it were an evil, should be most lenient toward those who now have amongst them African slavery. They claim that they are too holy and pure to allow slavery to exist within this Confederacy—that they themselves, though once contaminated with it, have, from motives of philanthropy and benevolence, long since abolished it; but not content with their own holiness and sanctity, have a duty devolving on them of wiping it off the face of this continent, as a thing too abominable for their toleration. And yet, who does not know that it was northern capital and northern seamen mainly who brought from Africa the thousands whose posterity are the objects of so much strife? Nor is it true, that they abolished slavery, as they pretend they did, within their own limits. In this whole matter they have the grace to claim that which the truth of history denies them. The South, as is well known, was gently opposed to the shipment of Africans within their borders, but the northern *philanthropy* of that day forced it upon her for their general "welfare and happiness;" and now, when they have civilized and christianized them, the same North, in its next generation, arrogates to itself to tell us that it is a black stain upon our country, and they will take such a course as we had better prepare for—they will give us twenty-five years to see the black pall of slavery banished from this continent.

Sir, I have said that the North profess a virtue in the abolition of slavery which the truth of history denies them. They never did diminish, to any considerable extent, the number of slaves in this Confederacy. They passed acts, it is true, in their several States, when they found that neither their soil or climate rendered them longer profitable, but they were prospective in their operation, and before they took effect, they took good care to sell in the South the most saleable of their negroes, and pocket the money. They turned loose upon the world those who were old and unfit for sale, and then unblushingly proclaimed a philanthropic and holy act, by which they had purified their souls and washed from amongst them the black stain of slavery; whilst, in fact and in truth, they simply transferred them to a more genial clime, but took good care to transfer themselves, by the operation, to that class which they call the upper ten thousand, whilst their children to this day are basking in the affluence thus commenced and secured. And it does seem to me unfortunate that gentlemen, at this day, who profess to believe the Bible, and claim so much purity in themselves, should forget that part of the Decalogue which tells us that God is a jealous God, visiting the iniquities of the fathers upon the children unto the third and fourth generation, and that they should not reflect how damning a sin they are proclaiming against their ancestors, and content themselves with prayer for its forgiveness, and let us alone. We feel at least as capable to pursue the path of duty to ourselves, our country, and our God, as they do. If it be a sin, which I earnestly deny, it is now our sin. We are content to answer for it, and it is arrogance, rank and insulting, to presume to dictate to us, under an insidious, hypocritical, or fanatical sentiment, against the Bible, from the earliest history of the world to the present moment, and against our peace and unquestionable rights in this Confederacy, which, I trust in God, every true-hearted southerner will defend against further aggression, as they would their hearthstones and their lives. But to return from my digression: I have said that the northern States never have, to any considerable extent, diminished the number of slaves in this Confederacy, and will refer to one or two instances of the *modus operandi* of their emancipation to show that fact.

In 1790, according to the census, there were in New York, 21,324 slaves and 4,654 free colored persons; between 1790 and 1800, I presume it will not be contended there was any emancipation in that State, and it is fair to suppose the number of free colored could not have increased by the manumission of slaves to any extent of consequence. In those ten years the free colored increased to 10,374, making about 1,000 over double, whilst by the census of 1800 there were still in the State 20,343 slaves; and had they increased by procreation in the same ratio with the free colored, there should have been about 45,000. And should it be said that the manumission of slaves increased the number of free colored, still 19,000 must have been sold to the South, or the parents of those who would have raised that number, supposing the free colored not to have increased at all; but I presume few if any were at that day set free, and it is fair to continue the calculation upon the basis of the increase of free colored during that period. By the census of 1810 there were 25,333 free colored, making an increase of about the same ratio, and the number of

slaves was 15,017—showing a diminution of only a few over 5,000 in those ten years, whilst again their increase would have swelled the number to about 43,000, of whom about 28,000 must have found a southern market. Nor can it be said that during this interval any were set free by legislative enactment, because an act which had been passed in 1801 only declared that children born after July 1799 should be free, but that they should continue in the service of their owners until they arrived at the age of twenty-eight years; and they could not until July, 1827, have been classed in the census as free. But by the same act of 1801, a door was left open by which the operation I am describing might be carried on by law; as owners were allowed, under certain regulations, to carry their slaves beyond the limits of the State, and no law was passed until 1827 abolishing slavery within that State. In 1820 the free colored were 29,279, showing an increase in ten years of only 3,946, when the number of slaves was 10,088, being reduced within the ten years 4,929. Now supposing the free colored had not increased at all, nor the slaves either, and that every one of the 3,946 increase of free colored had been caused by the liberation of slaves, still there were about one thousand slaves disposed of in some other way. But taking my original data, there should have been at this time about fifty thousand free colored and 30,000 slaves, and about 25,000 of the latter must again have found a more southern clime. During that period too, there was an unaccountable falling off of the increase of free colored, which may be accounted for, perhaps, by the supposition that in those transition times many of them might have traveled off with those who, under the law, had a right to carry their slaves out of the State; and this may, to this day, furnish a reason why gentlemen of the North are so very cautious in providing laws against kidnapping; for I have never been aware that free negroes were ever carried south by southern ships or southern traders. By following the calculation through the census of 1830, equally clear results will be found.

I have not time to trace this process through the New England States, but I believe the same system of boasted emancipation took place in every one of them. I shall but refer to the State of Rhode Island, one of the earliest cradles of African slavery in this Confederacy. In 1790, she had by the census 3,469 free colored, and 952 slaves—she was then deep in her transition state. In 1800 she had 3,304 free colored, and 381 slaves; supposing her free colored had not increased at all, yet there are 165 unaccounted for, who may have fallen into the hands of kidnappers; but there are also unaccounted for 571 of the slaves, who could not have been liberated and added to the list of free colored, for that had diminished; and I leave it to the holy philanthropists and abolitionists of the North to trace the destinies of that unfortunate band of brothers, together with the increase of both classes for the 10 years. Their posterity may, perhaps, see where they found a market from the fact, that after the slave trade was limited to 1808, the ports of Charleston, South Carolina, being opened for the importation of Africans in the year 1804, and remained four years. By the census of Charleston, during that time there were *two hundred and two* vessel entered the port of Charleston with African slaves; and from the custom-house books, and from under the hand of the collector at that time of Charleston, he gives authentic information, that of

these two hundred and two vessels which were engaged in that trade and entered the port of Charleston, 108 of their cargoes were owned by foreign countries, (many of them in Great Britain,) 14 in southern States, and 79 in northern free States.

The truth is, the free States, as I have said, never did liberate their slaves; they sold them to the South, and built much of their manufacturing and commercial interest upon the money; and by a system of aggression is unwarranted as the present, they have taxed their labor and plundered their owners ever since, through the instrumentality of this Government, to add to their own aggrandizement.

I venture the assertion, that no such instances of emancipation have ever been known in the North as have taken place in the South. It is well known to all gentlemen in the South, that one man in Louisiana liberated twelve hundred slaves, whilst the whole State of Rhode Island in 1800 had not a great many more than twice that number. I also deny that those who have been turned loose on the charities of the North are, or ever will be, in as comfortable a condition as those who are slaves with us. They are in a cold and ruthless climate, amongst a white race as distinguished for cupidity and sharpness as any that ever inhabited a spot of this Globe. Inferior in intellect and genius to the whites—deserted of friends who are in affluence and power to employ and assist them—owning little or no land—unable to compete with Yankee ingenuity—indisposed at best to labor honestly—incapable of social equality—without food and clothing, or even fuel to warm their wretched bodies during the piercing blasts of winter—they naturally betake themselves to every species of horrible and loathsome vice known in the world; and in proof of this I need but cite to the places of public resort, where they are allowed to congregate about the cities. You cannot hide from their squalid wretchedness; nor need the philanthropist go in search of more victims of misery on earth, for the exercise of his benevolence, than he may find in the cities—in the streets—in the cellars—in the almshouses—in the suburbs—in the prisons and in the penitentiaries of the free States. And even those you find in best employment amongst them are generally carrying out the truth of the Scriptures, that “servants of servants shall they be.” No preamble or misrepresented clause of the Declaration of Independence, or the grossly perverted passages of Scripture, will ever change this last condition until God has changed his nature, or his promises are violated.

Nor would I stop here, sir. I would carry the war into Africa if I had time to do so, and make the comparison, without fear of successful contradiction, between the condition of a very large proportion of the white population of the North and the slaves of the South; in which much that I have said in relation to the free negroes of the North would be equally applicable to the lower order of the whites, with this distinguishing difference, that forgeries and counterfeits, swindling and other artifices, requiring a higher order of intellect, are mainly confined to the whites. In proof of this, I need only refer to the records of your courts, your mobs, your State prisons, your penitentiaries, your stool-pigeon associations, your under-ground rail-roads, and every species of horrible device.

I have recently seen an account of five hundred true bills, I think, in one week, (I am sure in one

court,) in the pious city of Boston, for every species of crime. There have been expended in the county of Philadelphia, according to a published statement I have clipped from a paper, since the year 1812, upwards of \$142,000 for the suppression of mobs; whilst, upon the other hand, I see it repeatedly stated that there are eighteen thousand human beings, living under ground and in cellars, packed together in rags and horrible wretchedness, in the great city of New York. I saw myself, three years ago, there, scenes such as my eyes had never beheld, and such, I trust, as I may be spared seeing again—amongst them a few that I never shall forget—two of them I will mention: The one was a blind man, led amid the throng on the great and crowded Broadway, by a string attached to a dog, (who seemed to me to have been his depest sympathizer.) He held in his hand a plate, as he passed, that had nothing in it as bright as silver, when I stopped to add a trifle. The other was a woman, seated on the steps of the notorious Astor-House, with a shriveled and writhing infant on her knee, and whilst I was in the act of giving her a pittance, I was accosted by a citizen, who said she was doubtless an imposter, who had borrowed the child and bandaged it with bands to impose upon strangers.

In vain shall it be said such scenes and circumstances are confined to the cities. They are not to be found, either amongst the whites or the blacks, in the country or cities of the South. No, sir, no. Go to the farms and cities of the South, and see the African, fed, clothed, and happy, and let your false clamor stand rebuked forever. Nay, more; whether these things be in the cities of the North or elsewhere, they are gathered to the polls when it comes to voting, and swell the abolition fume, which comes here to denounce and insult us, in relation to an institution that, could they change and be elevated to its scale of happiness and contentment, they would be more improved in their condition than the philanthropy of the North will accomplish for them whilst they remain on this earth.

It is from this very city of New York there comes so strong a tide of abolition, as furnishes a distinguished member in the other end of the Capitol, who stands up in the presence of Senators, the people, and in the face of Heaven, and calls upon his God to witness his oath to support the Constitution under which he takes his seat, and yet declares, in his place, that so great is his philanthropy, he will yield in his conscience to a sense of higher duty, when slavery is in question, and whenever it is convenient to accomplish his purpose. God save me, sir, from such religion as this, and forbid that such votaries shall desecrate these Halls to the accomplishment of their purposes. Much better would it be to exercise their benevolence among the wretches who are panting among them, and let those only take oaths here, who are prepared to observe them. When they have relieved their own sufferers, we might better be prepared to hear them, and believe in their professions. Until they do this, I have no faith in their philanthropy, and would much sooner suspect that the religion of the Senator would find its happiest goal within the walls of a White House.

Sir, there is a state of things at the North, with all their boasted piety and philanthropy, which I trust will never be realized at the South. Look for a moment at their thousand societies and asso-

ciations, anti-sabbath, anti-marriage, anti-rent, &c., with their infidel conventions, and views of socialism, and agrarianism, which seem to be rapidly tending to such a state of things as will pull down, to the deepest depths of agrarianism and confusion, all that the wisdom of a century has done for the country. I but recently saw from the columns of a paper, having, perhaps, as large a circulation as any in the Union, published in New York, by a gentleman last winter a member of this body, in substance, such sentiment as this: That the pirate who presented his pistol, and forced the surrender of a surplus over that which was necessary to one's own support, had the right to do so, and that the land-owner had no claim on his lessee, unless it were necessary for his own support. Such an abominable sentiment as this has been published before, from the Roman Tribune, and formed a great element in the course of things that pulled down that Republic. It was alike familiar in the Jacobin clubs of France, preceding the time when Robespierre, Danton, and Marat, ruled the destinies of that people, and held up to the world a spectacle that humanity would hide from in disgust. It remains to be seen what may be its effects in this progressive age of monstrosities of the North. It remains to be seen how long before those of every hue and clime, when made freemen and citizens by northern sentiment and practice, having forced the southern States to withdraw from an association made insufferable to them, will vote themselves a share, without law or right, of the substance of the country, when the verriest vagabond upon earth, may share equally with the honest man of the country, and when those whose sympathies are now so deep for the black race, may have their own status controlled by them, as in the crusade now against the South, their favorites are sent to this and the other end of the Capitol to rule the storm against us; but time admonishes me I must pass on.

I have said that actual war against the South exists in the conduct of the free States in relation to slavery; and I think every candid man who views things as they are, should sustain me in this position. Every State in this Union had slaves when this Confederacy was formed, unless Massachusetts. She, I believe, had some, though not to be found in the census of 1790; and it may not be too often repeated, that no association would ever have been formed had slavery not only been recognized, but more carefully guarded than any other species of property. Indeed it was to slaves and their proceeds the Government must mainly have looked for support—lands were then abundant and cheap, and no one supposed that impost duties under any scale of imposition ever could answer the exigencies of the Government; hence the provision that slaves and their proceeds should only be taxed in proportion to the representation of the States. Very soon, however, a spirit of fanaticism commenced its progress, which has progressed from various causes until we find ourselves in our present condition, with discord and strife from the one extremity of the Confederacy to the other, that I, for one, do not believe will ever be reconciled until the southern States will either be degraded and ruined, or that spirit of resistance which I think the duty of freemen requires, will vindicate her rights and her honor. I shall not attempt the enumeration of the thousand indications or facts which lead me to this conclusion—I will only refer to a few of them as I pass on. In

the progress of this spirit Abolition societies were formed, public sentiment began to receive the taint, men who were in most instances low and obscure, became orators, and acquired consequence that nothing less than superstition or fanaticism would have allowed them. Women and the youth of the country were taught to look upon the owners of slaves as fiends from purgatory; slanders of the grossest type were circulated to effect this purpose; emissaries from England were received and listened to as ministers from God; they propagated a thousand libels upon the South, represented cases of cruelty and blood, of which the southern people never heard; nor had they, unless upon their own ships whilst engaged in dragging the African from his native land. Ministers of the Gospel desecrated the pulpit with the grossest perversion of Scripture in aid of this unholy work. The Blue Laws were abolished, or rather worn out, by their own satiety, and the public mind found food in this unrighteous warfare upon the rights and peace of those whom, for the purposes of spoil and plunder, they would call brothers. Amid such a state of things there never have been wanting in any country demagogues to take advantage of the tempest and ride themselves into place; and in thirty years after the adoption of the Constitution, such was the influence of Abolitionism that in the admission of Missouri the Confederacy tottered on its pillars at the hands of the North. Here was the first daring outrage in our National Legislature to limit the extent of slavery, and the first unfortunate error by the South in confiding in pledges made by the North on this subject. They gave up a right at the shrine of peace and the Union, and they have in return for it a violated faith by the North, and the assertion that a precedent has been established by which the Constitution may at all times be trampled under foot. Congress had no authority to make the Missouri compromise as a constitutional act, and never did alter or amend the Constitution, by that act. Indeed Congress cannot alter the Constitution; and although members might vote for an act as a compromise of their rights, yet the people would at all times have the right to repudiate it. If they fail to do so, still the act cannot change the principles of the Constitution. The Constitution is one thing, and a right under it is another. And although the people acquiesced in the disposal of a part of their territories to buy their peace at one time, it furnishes no reason why that act becomes an article of the Constitution. And even the argument itself comes with bad grace from the North, after having violated their pledge in the act from which they claim a precedent in the Missouri compromise. One set of our ancestors made the Constitution, and another set made the Missouri compromise; the latter, however, did or could not change the Constitution by their unfortunate act, and it remains to be seen whether the South will submit to still further aggressions by those who have violated their faith in every compromise ever made with them. A surrender of a right has seldom ever stayed further aggression. Those who unjustly demand a wrong to-day, will have no scruples in doing the same thing to-morrow; and those who yield to an unjust demand once, will always find the next more inordinate and insulting; and scarcely ever has wrong been repelled as easily as if met at the threshold. So has it truly been with the Missouri compromise. It not only did not al-

lay the mad fury of Abolitionists, but it gave them new zeal and confidence in their career. They had converted slave territory into free soil, without right, or color of right, and it was but natural their energies should increase. But I have not time to dwell long upon the facts that mark the progress of abolitionism, from the time of that compromise to the present moment. If there was the slightest abatement in the agitation of the subject, I never have been able to learn it. On the other hand, it seems to me the victory then conceded to its advocates, but gave new vigor and confidence to their energies, until their influence has almost stricken down every obstacle to its progress, until it controls the almost entire political action of this Government. I cannot better portray its progress than Garrison himself has recently done in an abolition convention at Syracuse, in which he congratulates his confederates on the progress they have made, and the brilliant prospects before them. He contrasts the condition of abolition twenty years ago with what it is now. Then, says this apostle, the Governor of Virginia wrote a letter to the Governor of Massachusetts, complaining of an abolition meeting held in the city of Boston. The Governor of Massachusetts replied, "he had made inquiry, and could hear of no meeting in Boston except that of a *white and a negro man* held in a garret." Now their cause had soared until millions were its votaries throughout the length and breadth of the land. He truly enough describes the progress they have made, and dwells, with unspeakable delight, upon the influence they have acquired, and the prospect of speedy abolition of slavery throughout the Confederacy.

I am aware that to all this it will be replied, that Garrison and his associates are a miserable band of fanatics and madmen, unworthy of the notice of statesmen; yet truth bears me out when I assert, that they have been, and are the pioneers in fact, in this unrighteous crusade against the principles of the Constitution and the rights and honor of the South. They but mark out the road, and all, with but very few honorable exceptions, upon this floor follow in their wake; and so far as the practical results to the South are concerned, it is of but little importance to what party they belong, or under what name they are known. I know a distinction is attempted to be kept up at the North between those who are called Abolitionists and those who are not; but so far as the records of this House will show, it seems to me it is a distinction without a meaning, unless they mean that one party aim openly to accomplish their object, whilst the others disavow it, yet always vote with them when slavery is concerned. Let us see for a moment whether the action of this House has not kept good pace with Garrison and his band for the last fifteen years. Then petitions for the abolition of slavery could not be received; now, your Clerk's desk almost groans under them. As late as 1838, Atherton's resolutions passed this House, being separated, by votes of from two to one to four-fifths of this body, and are as follow:

"1. *Resolved*, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of the Confederacy.

"2. *Resolved*, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

Resolved, That Congress has no right to do that indirectly, by whom it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories, as a means to obtain a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the compact upon which they entered into this Confederacy.

Resolved, That the Constitution rests on the broad principle of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, is not right to discriminate between the institutions of one portion of the States and another, with a view to abolishing the one and promoting the other.

Resolved, therefore, That all attempts, on the part of Congress, to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, with the views expressed, are in violation of the Constitution, destructive of the fundamental principles on which the union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or report, touching or relating in any way or to any extent whatsoever to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred.

Gentlemen from the North make no precedent of those resolutions and the vote upon them now. As late as 1842 the great abolition apostle and martyr from Ohio [Mr. Giddings] received the censure of this House for offering the following resolutions:

Resolved, That, prior to the adoption of our Federal Constitution, each of the several States composing this Union exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

Resolved, That, by adopting the Constitution, no part of the aforesaid powers were delegated to the Federal Government, but were reserved by, and still pertain to each of the several States.

Resolved, That by the eighth section of the first article of the Constitution, each of the several States surrendered to the Federal Government all jurisdiction over the subjects of commerce and navigation upon the high seas.

Resolved, That slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it.

Resolved, That when a ship belonging to the citizens of any State of this Union leaves the waters and territory of such State, and enters upon the high seas, the persons on board cease to be subject to the slave laws of such State, and, therefore, are governed in their relations to each other by, and are amenable to, the laws of the United States.

Resolved, That when the brig Creole, on her late passage for New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board said brig, and such persons became amenable only to the laws of the United States.

Resolved, That the persons on board the said ship, in retaining their natural rights of personal liberty, violated no law of the United States, incurred no legal responsibility, and are justly liable to no punishment.

Resolved, That all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the Constitution or laws of the United States, and are incompatible with our national honor.

Resolved, That all attempts to exert our national influence in favor of the coastwise slave trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights, and injurious to the feelings of the free States, are unauthorized by the Constitution, and prejudicial to our national character.

For introducing these resolutions, a member of this House was promptly censured, (notwithstanding he withdrew them without testing a vote,) and returned to his constituents to be reinstated to his position. I pass by the struggle made on the question of abolition petitions, which has resulted at last in the reception of some eighteen thousand, and also the progress toward the abolition of the slave trade within this District, together with the effort to allow the slaves themselves to vote on that question, and come at once to res-

olutions offered during this session by the same distinguished leader from Ohio. They are as follow:

Resolved, That we hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with the certain inalienable right to life and liberty; and that governments are constituted for the purpose of maintaining these rights.

Resolved, That in constituting governments in any territory of the United States, it is the duty of Congress to secure all the people thereof, of whatsoever complexion, in the enjoyment of the rights aforesaid.

Mr. HARRISON moved that the said resolutions be laid upon the table.

And the question being put, it was decided in the affirmative—yeas 163, nays 60."

Let all who deny the progress of abolition in this Government contrast the letter, tone, and spirit of the foregoing resolutions, as well as the manner in which they were disposed of, and say whether it is not an insult to the understanding of the South, as well as to their rights, to endeavor longer to lull them into security by the worn-out and false assertion that there is but a band of fanatics engaged in this work, from whom the South have nothing to apprehend. Ninety members of both parties from the North virtually voted for these monstrous resolutions. Thirty-seven were absent, and we have no reason to believe, had they been present, a sufficient number would not have voted for them to spread them on the journals of this House, to remain forever as its fixed judgment upon the subject of slavery. These startling resolutions declare a perfect equality of the slave and his master, not only in the territories, but in the States; and although a few gentlemen from the North voted with us, yet we have no reason to suppose many of the absent would have done so. Many of them may have absented themselves by design, not being prepared to make so bold advance, and for this have, and are to receive, the lashings of the leaders against all those whom they call doughfaeces. Nor in this day of abolition progress did the resolutions themselves excite more than ordinary feeling. No censure was offered for them, and every one knows no censure could have been carried.

No, sir, no; the cause of abolition is now too powerful in this Government to allow the censure of one of its most distinguished leaders. No man opposed to its advocates can obtain preferment in its administration. He who seeks it, must at least avoid the sin of opposing their views, and those who resist them are now being called fanatics themselves. Who does not know that no man can be elected President who will avow his sentiments in opposition to them? And I mean by Abolitionists, all those who vote with them, and aid them in accomplishing their object. Who does not know that both the last candidates published such letters as were used by their friends at the North in favor of abolition, and at the South against it? I thought I saw it at the time, and refused to espouse the cause of either. I thank my God that I did. I would support no southern man who would not pledge himself to carry out the principles of the Constitution in favor of slavery, or no northern man who would publish such platform as would better suit, in my judgment, a Delphian oracle in olden times, than an American statesman. I have said to my friends for the last several years, that the object of the North was to abolish slavery in the entire South; and I still believe it, even though it be at the sacrifice of the life-blood of her white population. I have said

that the object was to cast around the slave States an abolition girdle, and then carry on a regular progression, as systematic and certain as an object could be accomplished. But I did not suppose the plan would be so soon disclosed on this floor as it has been, by gentlemen during this session. The programme already is committed to type. I have in my possession three several plats and pamphlets, sent me during the winter, in which this whole thing is regularly marked out; the transition States are clearly delineated, in which the slaves are to be put on equality with the whites, or sold farther South; and the little State from which I come is the first on the East at which a rest is to be made, or the general massacre to commence in this unhalloved work, in which the black race are to light the midnight torch of assassination, and bathe themselves in the blood of the men, the women, and babes of the whites. As to their liberation and equality with the whites of the South, it is a purpose for which God never designed them, and a condition they never have attained on a single spot of the habitable globe; and until the North change their hypocrisy into works, I for one will not argue this subject with them.

But the grave question presents itself now to fourteen sovereign States of this Confederacy, equal in intelligence, in their rights, and the means of self preservation and defence—with any people on earth,—whether, in the face of all these facts, they are prepared to submit to such degradation, or to cravenly allow it to be cast on their posterity? Will they allow a chain to be forged around them, out of territory of which they are entitled to their proportion, to be contracted like the crushings of the anaconda, until their race shall be forgotten? I invoke Heaven and the spirits of their ancestors to forbid it.

The vast and valuable territory now to be settled was obtained by our common blood and common treasure. In its acquisition—I would draw no invidious distinction, though I do not conceive it immodest in me, to say—the little State from whence I come bore her equal part, and her citizens feel they are entitled to their proportion. I will not dwell upon the motives, or means, by which it was obtained. It was done by the people of the American States, and it is inviolable to me, as I think it should be to every patriot, who were or were not most active in obtaining it. It is obtained; it is ours; it cost us not only blood, but \$150,000,000 of our common treasure. Who shall enjoy its possession and advantages? This is the matter we have to settle. Have any of the States, or their agents here, the right to exclude the others? If they have, I am sure I have yet to learn the reason, in law, in politics, in morals, or honesty, by which joint ownership is deprived of their fair proportion. There can be no reason, unless this Government is to be converted into a machine to be controlled by financiers or a sickly religious sentiment; and even then I have been educated in no school of religion, by which brothers should be robbed of their rights by *brothers*.

But there are a people occupying this territory, and they demand a government for the safety of their property and lives. And at this point a false issue, in character with the whole conduct of the North, is sedulously attempted to be kept before the world. It is said that the South have demanded legislative action to extend slavery over these territories, and that the North simply deny them that right. This is not the truth; and every honest

man who knows the history of this whole controversy, knows it. The North are the actors in this whole issue, and the South but resist their efforts. It is very well known that near the close of the last session of Congress every southern member on this floor voted to give California a government, such as other Territories have had; every northern man, except very few whose hearts were on the side of justice, voted to defeat that measure, unless the bill should exclude the South from every foot of the territory; and that, too, notwithstanding about \$7,000,000, necessary to carry out the purpose of the Government, were suspended upon it. Then the South agreed that the people of the Territory required a government better than that of the pistol and bowie-knife. Then we agreed that the citizens of the United States, wherever they were, deserved our protection and should not be neglected; out the North rallied to prevent it; and at one time during the last memorable night of the session, when there seemed to be some prospect of the passage of the bill, I witnessed the first practical operation of the yeas and nays, on this floor, at the hands of the North; and those brothers, now so much beloved in California—blood of our blood and flesh of our flesh—were left under the law of the bowie-knife and revolver, so horrible at this time to the sensibilities of northern gentlemen.

The inhabitants—I beg pardon—the floating population, of every color and nation, who happened in California, have, since that time, clothed themselves in the habiliments of sovereignty, and demand admission as one of the States of this Confederacy, upon equal terms with the others; and the very men who refused and prevented a government for her, as I have already said, are to a man her most zealous advocates and it is amazing to witness the zeal of those gentlemen to accomplish their purpose and consummate a measure, such as the history of the world will furnish no parallel; but the reason is manifest and cannot be disguised. A great fraud had been practiced in the election of President, and to avoid the consequences of the Winnet proviso, upon the strength and influence of party, this measure was devised to suit the Abolitionists whilst the South is to be crushed and degraded, and the Administration sustained, on the popular clamor of the sovereign rights of the people.

But will this Government give its sanction to such an usurpation? The question cannot be too often asked. Whence came the sovereignty to the occupiers? Did it exist with the Mexicans, Indians, and negroes, who lived upon our land? Did the officers of the army possess it in their own right? Could the President, without the authority of a Congress, confer it upon them? Did those who went there to speculate or dig gold carry it with them? Those who remained on the soil, after the treaty, could only be citizens of the United States, after the expiration of five years, by the law of Congress. The officers of the army were the instruments of the people of the United States, and could not as such become sovereigns against the rights of the States. The President has no right to confer sovereignty on any one; nor can it be said with truth, that mere visitors to the country have the right to make a constitution for it, and claim a domain equal in extent to one-half of Europe, to the exclusion of the rights of one-half the States of this Confederacy. But suppose there were some persons there having

such rights as are here pretended, how many were necessary to do this act? Was one a sovereign? were two? or one hundred or ten thousand? If any of these numbers, when did the blood of sovereignty begin to course their veins? These are questions that never could be answered to the satisfaction of a corporal's guard in this House, were it not that the southern man, with his slaves, is to be prevented from going there. There is no sovereignty to this country, except in the people of the States; and no agency of this Government can transfer it, except by limited power of attorney; and I am utterly opposed to its being usurped either by the President, aspirants for place, or the heterogeneous mass that would assume it in California. Let them go back into a territorial condition, that the land may be purged of the spurious voters who might claim to be such, and her numbers ascertained, not by the shipload, as counted by the father of compromises in the other end of the Capitol, who makes no deduction for all those who return to their homes, or pursue their trade upon the bosom of the sea, but the actual number of American citizens. Let her go back until she may come into the Union as other territories have done. This whole thing of the "sovereign State of California" would look better in the pages of the Arabian Nights than the archives of this body.

As to the residue of the Territories I shall not object to give them territorial governments, provided they conform to the principles of the Constitution and rights of the States, but these rights: in my judgment, utterly forbid the interference of this Government to exclude slavery in any shape or form—under any name, or by any proviso of any president-making platform.

I utterly protest against the astounding proviso, which may justly be called Mr. CLAY's proviso. He, I think, is entitled to a proviso; though I should not be willing to award him more for the free-soil sentiments he has repeatedly uttered. I have read some little of conquests by Governments, but it has remained for this age to discover a people conquering another, obtaining their lands, and by the operation destroying their own property by its touching their soil, and compelled to abandon their own religion and to adopt that of the conquered. Yet such is the result of the prevalence of the Mexican laws if they be of force so as to exclude slavery. Sir, these various shifts are lamentable and disgusting in this bold effort to cheat the South. Can any one believe that the day after the treaty, American citizens could not be allowed in New Mexico to worship their God in any other faith than that of the Roman Catholic? Can any one believe that American officers who had slaves with them must have stood by and witnessed their liberation? Suppose the Mexicans with a view of improving the physical powers of their citizens or for their better security in crossing their cliffs and precipices, had a law prohibiting the use of horses, would it be contended that an American now on the territory should surrender his horse to such law and make his journey on foot? Again; suppose the territory had been conquered shortly after the adoption of the Federal Constitution, when every State in the Union had slaves, could there be found a man so lost to common sense as to contend that none could go with their slaves without encountering their liberation? I do not believe it; nor do I believe it would be so contended now, but for the influence of abolitionism.

As to the proposed compromise from the other end of the Capitol: If its name were changed to that of the ignominious surrender of the South, and I were then to vote upon its title, I should vote in favor of the change. But I could not be induced to vote for any other feature in the bill. I am opposed to it, because it proposes to admit California with all its enormities. I am opposed to it, because it proposes to purchase nearly one-third of Texas (acknowledged by Mr. Webster himself to be slave territory) with our own money, to become ultimately subject to some of the new-fangled non-interventions or provisos of free soilism. I am opposed to it, because the report of the committee expresses the existence of the Mexican laws in the territories; because it proposes to insert the entering wedge in the abolition of slavery in this District; because it proposes to legislate *in fact* for the negro, instead of the master, in the States. And above all, I am opposed to it, because, in my estimation, it would amount to an entire surrender of the rights and honor of the South, and instead of allaying the aggressions regularly going on against us, it would give new zeal and confidence to our enemies, very soon to show itself in this District, the dock-yards and arsenals, and before many years, in the States.

Our ancestors made compromises in the adoption of the Constitution; their posterity made compromises in the admission of Missouri; and again, on the tariff of 1833. And what have they availed us against the arrogance of the North? I call upon patriots from the North and the South, if they love this Union, as many profess here, to look at this matter as it is, and to exercise their energies to restore this Government to its original character; to cast out the poisonous heresy that threatens its dissolution.

But we hear on this floor that the South are arrogant, and the North (having all power) will not grant her demands. I ask, in what single instance, since the establishment of this Confederacy, has the South ever demanded the establishment of a single principle of doubtful constitutionality? And who does not know that the arrogance always comes in every insidious form from the other end of the compass? and who does not feel that there is double arrogance in the unfounded assertion? It is with the North to determine whether the Union of our fathers shall stand or fall. She is now in the majority, and the destinies of the Union are in her hands. It is for the South to take care of herself, according to her sovereign and constitutional rights, in the Union, if she can, *out of it, if she must*. Nor will the idle threats of arrogance, or the painted pictures of fanaticism, deter her from her duty. I make no threats, except as a man about to be assailed in his person, his rights, or his honor. When wrong is attempted against me, I will repel it; and, although I trust the conflict may never come, yet whenever force is attempted by the North against the rights of the South, headed even by colonels of militia covered over with glory from the fields of Buena Vista, I promise them regiments in the field from the district from whence I come, amid whom I shall be found, though my head should be white as snow. But I look upon all such threats as idle bombast, rather than the sentiments of statesmen. Let those who threaten to coerce the South to depression and degradation, read the terms upon which the States came into this Confederacy. Virginia, in her ratification of

the Constitution, declares "that the powers granted under the Constitution being derived from the people of the United States, may be resumed by them 'whenever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will.'" New York came in on these terms, expressed in her articles of ratification, "that all power is originally vested in and consequently derived from the people," and "that the powers of government may be reassumed by the people 'whenever it shall become necessary to their happiness;" and further, "that no religious sect or society ought to be favored or established by law in preference to others." Rhode Island came in on the following terms: "That there are certain natural rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety. That all power is naturally vested in, and consequently derived from the people; that magistrates therefore are their trustees and agents, and at all times amenable to them;" and "that the powers of the Government may be reassumed by the people, *whenever it may become necessary to their happiness.*" Rhode Island, doubtless recollecting that Roger Williams had to leave Massachusetts for heresy, added a strong clause against the right of Government to favor religious sects or societies. Thus we see Virginia reserved the right to reassume her sovereignty whenever the same should be perverted to her injury or oppression; New York reserved the right to reassume the powers granted to the Government, *whenever it should become necessary to their happiness*; Rhode Island in the same words with New York. Let gentlemen reflect whether the States have not sufficient justification, or if they have not yet, how soon they may have, to reassume their sovereignty. Should they see fit to do so, there is no right on earth to prevent them. The States making these reservations were admitted into the compact with these terms, and they thereby became the terms of all, and must inure to the benefit of all.

Melancholy predictions have repeatedly been indulged in on this floor, and perhaps by none more lavishly than the gentleman from Massachusetts, [Mr. MANN,] as to the condition of the South, should she withdraw from the Confederacy. He describes the scenes of piracy, robbery, and plunder, that will be common on her coast. I would not desire to see that necessity, nor will the South be in fault if it has to come. It will be from a sense of the grossest injustice at the hands of the North. I am not one of those who would seek the necessity, nor am I one of those who

would shriek from the responsibility, when self-preservation may force us to that course. Should it occur, however, it seems to me I can see in the distance a better destiny than that assigned by the gentleman. With a population of nine millions, inhabiting a country rich in every product necessary for the happiness of man—the day may come when her hills and her valleys will resound with the anvil and the loom, whilst it may be, that Massachusetts will have much less shipping and employment for her sailors and mechanics, her Lowells be silenced, and the streets of her villages grow green.

That our coasts might be infested in some degree as the gentleman has described, I will not undertake to deny; but that those who attempt it may meet the fate of some of Massachusetts' sons recently in another holy crusade, I think quite as likely.

—CAPTURE OF A SLAVER.—The American brig Lucy Ann, of Boston, was captured on 20th February, 1850, in latitude 7° 25' S., and longitude 12° 25' E., and taken to St. Helena, by H. B. M. steam sloop Rattler, Captain Cumming—eleven persons in the crew, thirty passengers, and five hundred and forty-seven slaves, viz.: four hundred and forty-one males and one hundred and six females. At the time of her capture, the Lucy Ann was commanded by John Hamilton. He, with the crew, were permitted to go on shore on the coast.

—There were also at St. Helena, the following named American vessels, condemned for being in the slave trade: Bark Anne D. Richardson: bark Pilot, of Boston, bark Chester, (formerly a whaler.)"

A word more to Massachusetts, and I have done: She complains that South Carolina refuses her colored gentlemen and citizens the rights of citizens within the State, but confines them in our ports until their vessels depart. We reply to Massachusetts, that negroes are not citizens according to our law, nor were they in Massachusetts when we formed our association with her; and if since that time, she may see fit to citizenize monkeys, it will furnish no reason why we should allow them such rights in the streets of Charleston. But in this complaint she again forgets what was done on this subject by her pilgrim fathers. Let her turn to her statute books, and find that by her law free negroes who ventured within her limits were not only confined to prevent them from mischief, but were, under certain regulations, also put to hard labor in their workhouses if they refused to depart, and whipped *with stripes* every ten days until they should leave the State.* South Carolina has not yet attained that refined system of cruelty; whenever she does, then let Massachusetts complain. And I would say to Massachusetts as I say to the world, let us alone on this subject. We feel capable of taking care of ourselves, and we intend to do it.

* See act of Massachusetts, March 1788.

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